

APR. 11. 2005 4:41PM

513 241 6234

RECEIVED  
CENTRAL FAX CENTER NO. 0833 P. 1

APR 11 2005

BRUCE TITTEL  
DONALD F. FREI  
DAVID J. JOSEPHIC  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, Ph.D.

**WOOD, HERRON & EVANS, L.L.P.**

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
Telephone: 513-241-2324  
Facsimile: 513-241-6234  
EMAIL: info@whepatent.com

**PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION**

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
C. RICHARD EBY  
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.  
KATHRYN E. SMITH  
KRISTI L. DAVIDSON  
P. ANDREW BLATT, Ph.D.  
DAVID E. JEFFERIES  
WILLIAM R. ALLEN, Ph.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
WESLEY L. STRICKLAND \*  
STEVEN W. BENINTENDI, Ph.D.  
RANDALL S. JACKSON, JR.

OF COUNSEL  
JOHN D. POFFENBERGER  
THOMAS W. FLYNN

**FACSIMILE COVER SHEET**

\* ADMITTED ONLY IN D.C. AND VA

If transmission is interrupted or of poor  
quality, please notify us immediately by  
calling 513 \ 241-2324.  
Ask for sender's secretary.

**TO: The Honorable Commissioner  
Attention: Maureen Wallenhorst  
Art Unit 1743**

**FROM: David H. Brinkman**

**Fax No.: (703) 872-9306**

**Phone: (513) 241-2324**

**Date: April 11, 2005**

**Fax: (513) 241-6234**

**Pages (including cover page): 23**

**Re: U.S. Serial No. 09/994,458 AUTOMATED TISSUE STAINING SYSTEM AND  
REAGENT CONTAINER  
Attorney Docket No. LABV-04**

**ATTACHMENTS/COMMENTS: OFFICIAL  
Please deliver to Maureen Wallenhorst  
After Final Amendment Transmittal (3 pages) (in duplicate)  
After Final Amendment (16 pages)**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted  
to the Patent and Trademark Office centralized facsimile number (703)  
872-9306 on the date shown below.

April 11, 2005

**Certificate of Facsimile**

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Maureen Wallenhorst whose telephone number is (571) 272-1266 and centralized facsimile number is (703) 872-9306 on April 11, 2005.

David H. Benzman, Reg. No. 40,532

Date

**RECEIVED  
CENTRAL FAX CENTER****APR 11 2005****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Ken K. Tseung et al.  
Serial No.: 09/994,458  
Filed: November 26, 2001  
Confirmation No.: 9498  
Group Art Unit: 1743  
Examiner: Wallenhorst, Maureen  
Title: **AUTOMATED TISSUE STAINING SYSTEM AND REAGENT  
CONTAINER**  
Atty Docket: LABV-04

Cincinnati, Ohio 45202

April 11, 2005

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AFTER FINAL AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.
2. ☐ Small Entity status is claimed.  
☒ Other than a Small Entity.
3. The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	20	MINUS	37	= 0	x \$25	\$0	x \$50	\$0
INDEP.	4	MINUS	7	= 0	x \$100	\$0	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$180	\$0	+ \$360	\$0
TOTALS					TOTAL FEE	\$0	TOTAL FEE	\$0

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

X No additional fee for claims is required.

4. Attached is a check in the sum of \$\_\_\_\_\_.

\_\_\_\_\_ Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_.

A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a) \_\_\_\_\_ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
___	one month	\$ 120.00	\$ 60.00
___	two months	\$ 450.00	\$225.00
___	three months	\$1,020.00	\$510.00
___	four months	\$1,590.00	\$795.00

\_\_\_ Attached is a check in the amount of \$\_\_\_ for the three month extension fee as required by 37 C.F.R. § 1.17(c).

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_ An extension for \_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_.


OR

(b) XX Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
\_\_\_\_\_  
David M. Brinkman  
Reg. No. 40,532

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324 - Voice  
(513) 421-7269 - Facsimile

**Certificate of Facsimile**

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Maureen Wallenhorst whose telephone number is (571) 272-1266 and centralized facsimile number is (703) 872-9306 on April 11, 2005.

David H. Britman, Reg. No. 40,532

Date

**RECEIVED**  
**CENTRAL FAX CENTER**  
**APR 11 2005**

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Ken K. Tseung et al.  
Serial No.: 09/994,458  
Filed: November 26, 2001  
Confirmation No.: 9498  
Group Art Unit: 1743  
Examiner: Wallenhorst, Maureen  
Title: **AUTOMATED TISSUE STAINING SYSTEM AND REAGENT  
CONTAINER**  
Atty Docket: LABV-04

Cincinnati, Ohio 45202

April 11, 2005

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AFTER FINAL AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.
2. ☐ Small Entity status is claimed.  
☒ Other than a Small Entity.
3. The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	20	MINUS	37	= 0	x \$25	\$0	x \$50	\$0
INDEP.	4	MINUS	7	= 0	x \$100	\$0	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$180	\$0	+ \$360	\$0
TOTALS					TOTAL FEE	\$0	TOTAL FEE	\$0

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

X No additional fee for claims is required.

4. Attached is a check in the sum of \$\_\_\_\_\_.

\_\_\_\_\_ Please charge my Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_.

A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a) \_\_\_\_\_ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
one month	\$ 120.00	\$ 60.00
two months	\$ 450.00	\$225.00
three months	\$1,020.00	\$510.00
four months	\$1,590.00	\$795.00

Attached is a check in the amount of \$\_\_\_\_\_ for the three month extension fee as required by 37 C.F.R. § 1.17(c).

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

— An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

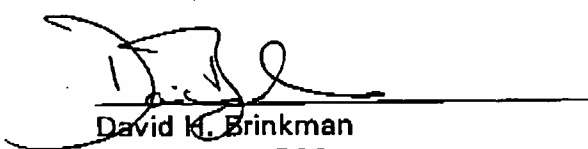
OR

(b) XX Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
David K. Brinkman  
Reg. No. 40,532

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324 - Voice  
(513) 421-7269 - Facsimile

APR. 11. 2005 4:43PM

513 241 6234

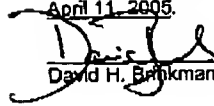
RECEIVED  
CENTRAL FAX CENTER

NO. 0833 P. 8

APR 11 2005

Certificate of Facsimile

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Maureen Wallenhorst whose telephone number is (571) 272-1266 and centralized facsimile number is (703) 872-9306 on April 11, 2005.

  
David H. Brinkman, Reg. No. 40,532

4/11/05  
Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ken K. Tseung et al.  
Serial No.: 09/994,458  
Filed: November 26, 2001  
Confirmation No.: 9498  
Group Art Unit: 1743  
Examiner: Wallenhorst, Maureen  
Title: **AUTOMATED TISSUE STAINING SYSTEM AND REAGENT CONTAINER**  
Atty Docket: LABV-04

Cincinnati, Ohio 45202

April 11, 2005

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AFTER FINAL AMENDMENT

Sir:

In response to the final Office Action mailed on February 10, 2005, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 13 of this paper.